

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RANDELL GLEN LAWS,

Plaintiff,

VS.

STATE OF TEXAS, *et al*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:15-CV-0652

MEMORANDUM ON DISMISSAL

Plaintiff Randell Glen Laws, a state inmate confined in the Texas Department of Criminal Justice - Correctional Institutions Division's (TDCJ-CID) Huntsville Unit, has filed *pro se* a civil rights complaint challenging the medical co-payment requirements for inmates. (Docket No. 1.) The complaint names as defendants the State of Texas; TDCJ Executive Director Brad Livingston; Eric Johnston, Trust Fund Manager; and, Jamie Williams, Practice Manager. (Id. at 3-4.) Plaintiff seeks a refund of co-payments allegedly collected erroneously from his trust fund account and an injunction prohibiting future co-payments for chronic care. Plaintiff has also filed a motion to proceed *in forma pauperis*. (Docket No. 3.)

Under 28 U.S.C. § 1915(g), a prisoner cannot file a civil action *in forma pauperis* in federal court if, on three or more prior occasions, while incarcerated, he brought an action that was dismissed for being frivolous, malicious, or failing to state a claim upon which relief may be granted. The only exception to this revocation of an inmate's privilege to proceed *in forma pauperis* is if he is in immediate danger of serious physical harm. *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

Plaintiff's present lawsuit is clearly subject to the three-strikes bar under Section 1915(g) because his complaint does not indicate that he is in any immediate danger and his litigation history reveals that he has previously filed at least three cases in the federal courts that were dismissed as frivolous. *See ex., Laws v. 179th Dist. Ct. of Harris C*, 4:05-cv-2969 (S.D. Tex.) (dismissed as frivolous Jan. 11, 2006); *Laws v. Lawson*, 4:07-cv-3072 (S.D. Tex.) (dismissed as frivolous Oct. 23, 2007); *Laws v. State of Texas*, 4:14-cv-2223 (S.D. Tex.) (dismissed as frivolous Oct. 15, 2014).

Accordingly, it is **ORDERED** that Plaintiff's Motion to Proceed *In Forma Pauperis* (Docket No. 3) is DENIED and Plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(g). All other pending motions, if any, are further DENIED.

The Clerk will provide a copy of this Order to the parties.

SIGNED at Houston, Texas, this 9th day of April, 2015.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE